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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 BENJAMIN W. ESPINOSA,

Case No. 3:17-cv-00189-MMD-WGC

9 Plaintiff,

ORDER

10 v.

11 JAMES DZURENDA, *et al.*,

12 Defendants.

13 Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma*  
14 *pauperis*, a civil rights complaint, and a motion for preliminary injunction-TRO. (ECF No.  
15 1, 1-1, 1-2.) The Court has not screened Plaintiff's complaint.


16 Plaintiff now files a motion for voluntary dismissal. (ECF No. 3.) Pursuant to  
17 Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court  
18 order by filing "a notice of dismissal before the opposing party serves either an answer or  
19 a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff's  
20 motion to voluntarily dismiss this action because no responsive pleading has been filed  
21 in this case. As such, the Court dismisses this action without prejudice.

22 For the foregoing reasons, it is ordered that the motion for voluntary dismissal  
23 (ECF No. 3) is granted.

24 It is further ordered that this action is dismissed in its entirety without prejudice.

25 It is further ordered that the Clerk of the Court enter judgment accordingly.

26 DATED THIS 10<sup>th</sup> day of July 2017.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE